



Dkt. 286932-122

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ewa Herbst

Group Art Unit: 3736

Serial No.: 09/974,542

Examiner: GILBERT C. E

Filed: October 9, 2001

For: Treatment of Living Tissues Using Electromagnetic Fields

Docket No.: 286932-122 (formerly 4174-003A)

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OCT 29 2003

TECHNOLOGY CENTER R3700

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION IN REPLY TO SEPTEMBER 24, 2003 OFFICE ACTION**

This Communication is submitted in partial reply to the September 24, 2003 Office Action issued by the U.S. Patent and Trademark Office in connection with the above-identified application.

On page 2 of the Office Action, the Examiner stated that the Information Disclosure Statement filed on June 23, 2003 did not fully comply with 37 C.F.R. § 1.98 because copies of the cited references were not provided. The Examiner required submission of the copies within one month, *i.e.* by October 24, 2003 and extension of this deadline was not permitted. Accordingly, this Communication is being timely filed. Applicants note that the remaining issues raised in the Office Action will be addressed in a further communication to be filed in due course.

Without conceding the correctness of the Examiner's statement, applicants provide a courtesy copy of the references listed on the PTO 1449, originally filed on June 26, 2003. Applicant requests that once the Examiner has reviewed the references, he initial and return a copy of the enclosed PTO Form 1449.

The Examiner is invited to call the undersigned attorney at the number provided below if he has any questions.

No fees are believed to be due in connection with the filing of this Communication. However, the Commissioner is authorized to debit any necessary fee or credit any overpayment relating to this application (except an issue fee) to Deposit Account No. 08-0219.

Respectfully submitted,

Date: Oct 23, 2003

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10-27-03

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I hereby certify that the following documents are being deposited with the United States Patent and Trademark Office on the date indicated above, as Express Mail bearing the Express Mail Number above, postage prepaid in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

1. Communication in Reply to September 24, 2003 Office Action;
2. PTO 1449 List of References;
3. Copies of forty-six (46) references cited therein; and
4. Return Receipt Postcard.

Respectfully submitted,  
HALE AND DORR LLP

By: Jane M. Love

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